



County of Erie

MARK C. POLONCARZ
County Executive

THOMAS R. HERSEY, JR.
Commissioner

DEPARTMENT OF ENVIRONMENT AND PLANNING

JOSEPH L. FIEGL, P.E.
Deputy Commissioner

October 19, 2017

Paul Casey
Maintenance and Safety Manager
Switzer
4020 Jeffrey Blvd.
Buffalo, New York 14219

RE: Erie County Sewer District No. 3 (ECSD No.3)
Discharge Monitoring- Violations (Cr, Ni)
Enforcement-Consent Stipulation Agreement

Dear Mr. Casey:

As we discussed on October 4, 2017, the Division of Sewerage Management (DSM) conducted annual monitoring at your facility the week of September 18th which resulted in violations of Switzer's discharge permit. The daily chromium limit of 2.77mg/l was exceeded on all three days with results of 7.01mg/l, 3.34mg/l and 8.32mg/l. The monthly average limit for chromium of 1.71mg/l was also exceeded with a result of 6.22mg/l. The daily nickel limit of 3.98mg/l was exceeded on Day 3 with a result of 4.21mg/l. The monthly average limit for nickel of 2.38mg/l was also exceeded with an average of 3.35mg/l.

As a result of these violations, Switzer is required to investigate the cause of the violations, implement corrective measures and conduct a minimum of two additional days of sampling. The sampling requirement is for metals only. The complete report, including preventative measures that have been implemented to prevent future occurrences, will be due by November 3, 2017.

As you were advised, Switzer has had numerous violations over the past three years. Attached please find a list of these violations. At this time, the DSM is required to escalate enforcement as per our Enforcement Response Plan. The DSM is recommending a Consent Stipulation Agreement be approved by the District's Board of Managers. A Consent Stipulation Agreement is a legal agreement in which a user voluntarily agrees to come into compliance through a proposed course of action. In Switzer's case, a new wastewater treatment system has already been proposed. Switzer would also have to agree to meet milestone dates in order to avoid financial penalties. The hearing is tentatively scheduled at the next Board meeting on December 6th, 2017.

The DSM will be drafting a Consent Stipulation agreement. Once completed, a copy will be forwarded to you for your review. A proposed detailed compliance schedule is required from Switzer. The schedule should outline the completion dates of the steps that will be taken to achieve compliance. The final date of the schedule should reflect the final date for compliance. The proposed schedule is due to this office by November 3, 2017.

THOMAS 5/6/17